

1 UNITED STATES DISTRICT COURT
2 DISTRICT OF NEVADA

3 * * *

4 RODERICK WISE, an individual,
5 Plaintiff,

6 v.

7 SOUTHERN TIER EXPRESS, INC., a New
8 York corporation; DOES I through X; and
9 ROE CORPORATIONS I through X,
10 inclusive,

Defendants.

Case No. 2:15-cv-01219-APG-PAL

**ORDER GRANTING MOTION IN
LIMINE NO. 4 (PRIOR UNRELATED
INJURIES)**

(ECF No. 82)

11 Plaintiff Roderick Wise seeks to exclude evidence of two specific prior injuries: a finger
12 injury from the 1980s and a knee injury from 2009. ECF No. 82. The defendant admits the finger
13 injury is irrelevant. The defendant admits that the “knee injury has no bearing on medical
14 damages, but does reflect on his earning capacity claim because Plaintiff stated that he was a full-
15 time, self employed truck driver during 2010 rather than an hourly laborer.” ECF No. 100 at 2:22-
16 24. It is unclear how the knee injury would prove Wise was an hourly laborer, and presumably
17 Wise will admit this at trial. If Wise denies he was an hourly laborer during the relevant time
18 period—to the extent that issue is relevant—the defendant may be entitled to explore that
19 testimony with reference to the knee injury. However, I decline to definitively rule on that issue
20 until it becomes ripe at trial, if at all. Therefore, Wise’s motion in limine (**ECF No. 82**) is
21 **GRANTED.**

22 DATED this 10th day of July, 2017.

23 
24 ANDREW P. GORDON
25 UNITED STATES DISTRICT JUDGE
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